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88-14-02
PATENT
Attorney Docket No. 7392/71233
GW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

FITZ et al.

Group Art Unit: 1761

Application No.: 09/677,780

Examiner: Leslie Wong

Filed: October 2, 2000

For: SAVOURY FLAVOUR COMPRISING 2-METHYLFURAN-3-THIOL ...

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TECHNOLOGY CENTER 1100

August 8, 2002

RESPONSE TO REQUIREMENT FOR RESTRICTION

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Applicants respond to the July 9, 2002 requirement for restriction and request reconsideration and withdrawal. The Examiner parsed the present application into Groups I, II, III and IV. Applicants submit that all grouped claims are linked together. For instance, Group I claims 1-4, drawn to a flavored food stuff, lead to the process for imparting a savory flavor according to Group II claims 5-7, both of which relate to the flavoring composition of Group III claims 8-9, and lastly claims 11 and 20 pertain to a process for preparing a pure compound with at least one free thiol group, as defined in Group I claim 1, by hydrolyzing the corresponding thioacyl compound in the presence of an enzyme or a cation exchange resin. The Examiner has also not considered claim 10 on the merits. Accordingly, Applicants submit that all claims are linked together with a common feature although the consideration may differ from claim to claim. Nonetheless, all claims can and should be in one application. Given the current proposed fee schedules from the U.S. Patent Office, the only basis seen for parsing the application into four claim groups is revenue generation. That is not a discretionary nor statutory basis for requiring Applicants to incur the financial burden of filing four separate applications.

Nonetheless, subject to the foregoing traverse, Group I claims are elected. It is also respectfully suggested that even if the present requirement for restriction is maintained, that it be reconsidered and all claims be rejoined upon indication of allowable subject matter, and further that such be explicit in the next Office Action.

Respectfully submitted,

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